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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination, the Indian Movement "Tupaj Amaru", the International-Lawyers.Org, the Union of Arab Jurists and the United Towns Agency for North-South Cooperation, non-governmental organizations in special consultative status, the International Educational Development, Inc. and the World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.

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Systemic Grave Violations against Peaceful Demonstrations in Iraq**

The right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association are established in article 19 and 20 of the Universal Declaration of Human Rights and article 19 and 21 of the International Covenant on Civil and Political rights (ICCPR). Both of these treaties are signed and ratified by the government of the Republic of Iraq, and thus the country has an international obligation to comply with these rights. These rights are vital in any well-functioning political system and should therefore be protected at all costs. In Iraq however, these freedoms are often not respected. This statement is intended to focus on the restriction of these vital rights in Iraq and includes recommendations to the relevant actors.

Situation in Iraq

After the United States of America-led invasion of 2003, Iraq became the most dangerous place for journalists as they were often targeted and killed and to date, Iraq continues to be one of the most perilous countries for activists, journalists and dissidents. The Iraqi government unabatedly continues to severely infringe on its citizens' fundamental rights, including freedom of expression and association, which are essential to the democratic debate. There are numerous cases of violence used against peaceful protestors and kidnapping of activists, journalists and demonstrators. NGOs signatories to this statement continue to see the tendency of the Iraqi government and armed groups to shut democratic space and to hinder citizens' basic freedoms.

Freedom of assembly

Most recently on the 8th of July, 2018 the Iraqi population began a series of new demonstrations in the cities of Basra, Wasit, Maysan, Diwaniyah, Samawah, Dhi Qar, Najaf, Karbala and the capital Baghdad where demonstrators expressed their frustration about the lack of jobs and basic services, including water and electricity, which only makes the situation in Iraq more and more difficult. To date no positive measures or resolutions have been taken by the government to address their concerns.

Concurrently, there was a very high security alert by government authorities who used threats and intimidation tactics with the help of associated militias, security forces, and party leaders against many of the activists. Over the weeks the demonstrations became more aggressive and on the 22nd of July when it reached its peak violence broke out that resulted in more than 13 civilians killed and 729 others injured according to the Iraqi High Commission for Human Rights. Over the 15-day demonstrations reports revealed that 831 protesters suffered grave injuries with a high number of related fatalities. Additionally, there have been cases of enforced disappearances and detentions of peaceful demonstrators.

The government continues its horrific violence and corruption with impunity, while the participants in rallies are expected to abide by the law – even though the government itself is not respecting its national and international obligations for the protection of freedom of expression, freedom of movement, and freedom of assembly and peaceful association. In recent years, the Iraqi government has forcibly shut down democratic space by silencing all those who criticize its actions and policies. The use of excessive force and brutality against innocent civilians, human rights defenders, journalists, and activists, in an appalling climate of impunity has become a trend that it is hardly surprising nowadays that every protest will end in violence.

Even though Iraqis have a constitutional right to freedom of assembly, in practice, this right is frequently restricted - and those who protest against the government do so at their own risk. The Iraqi authorities continue to block and disrupt peaceful demonstrations, which civilians use to protest against corruption and to demand greater civil and political rights. In general, the demonstrations are a response to the increased frustration with the deteriorating conditions that Iraqis are forced to live with on a daily basis. The government is not only using violence to discourage demonstrators, they are increasingly using the "fight against terrorism" as a pretext to punish those involved in peaceful protests. The broad application of the Anti-Terrorism Law No. 13 of 2005, that permits the detention and punishment of those suspected of terrorist activities, provides a legal ground to detain peaceful protestors. By alleging that peaceful

protestors are terrorists, governmental authorities have been provided with an excuse to target, attack and arbitrarily arrest, detain and execute innocent civilians who profess any kind of anti-government rhetoric.

These actions by the Iraqi government, and its security forces, demonstrate a clear failure to abide by Article 38 of Iraq's constitution, which guarantees the right to "freedom of assembly and peaceful demonstration/protest". Moreover, the ruthless attacks against the peaceful civilian protesters since 2011 by government forces appear to be systemic and are in serious violation of a number of fundamental human rights.

In September 2016 cases of violent closure of democratic space in Iraq were documented. The protesters assembled in order to demand electoral reform for the commission members supervising the September provincial elections. However, they were met by government forces who dispersed the protesters with heavy use of arms and violence, and fired tear gas and rubber coated bullets at thousands of civilians. A few months later on the 11th of February 2017 following a series of peaceful civil demonstrations at Tahrir Square in downtown Baghdad at least 320 protesters and seven police officers were wounded including journalists, women and children as violence gripped the rally.

The Iraqi government has proved itself unable and/or unwilling, to ensure protection and to respect the fundamental rights of its citizens. The climate of impunity surrounding these illegal practices, including attacks against civilian properties and abduction of journalists and human rights defenders, perpetrated by governmental forces must end.

Freedom of Press

The invasion and subsequent occupation of Iraq resulted in the death of a record number of journalists; it was the deadliest war for journalists recorded in history. During the occupation, more journalists were murdered in targeted killings than those died in combat-related circumstances.

When ISIS controlled a big part of the Iraqi territory, they were suspected of being the biggest threat to the lives of journalists in Iraq. But even the defeat of ISIS does not keep journalists from fearing for their lives. Predicted by local journalists, the emergence of militias, censorship, and sectarianism poses a threat in a post-ISIS Middle East.1 Militias active in Iraq are often responsible for the kidnapping of journalists and human rights defenders. They even openly admit to these offences by explaining that they kidnap people for writing articles against the militias, their leaders, and their "holy" activities in the media. None of these armed groups tolerate criticism and none of them are held accountable for their actions against journalists or other critics and these abductions are clearly acts of intimidation against anyone who might criticize the militias. Moreover, this is a demonstration of the violent closure of democratic space in Iraq. Despite frequent reports of cases of abuses and repression, the Iraqi government continues to infringe upon its citizens' fundamental rights, including freedom of expression and association and the Iraqi government allows the militias to threaten and commit heinous crimes against civilians, while enjoying total impunity.

Journalists active in areas which were 'liberated' from ISIS continue to be cautious and apply self-censorship because of their fear of the brutality of militias and of being accused of terrorism. It is clear that the end of ISIS does not change much for journalists in the country. If journalists would be granted more access to information they could play a vital role in Iraq's struggle against corruption but are currently facing threats and murder if they uncover instances of corruption. There is a need for legal protection of journalists, which is currently lacking. The lack of protection for journalists and the climate of (self)-censorship is preventing the media from playing a vital role in the reconstruction of Iraq.2

The current situation forces Iraqi journalists to live with uncertainty, never knowing whether the threats to their lives and livelihoods will be carried out. Therefore, while the Iraqi Constitution stresses the right to freedom of expression, in reality, the detention, persecution, and violence against independent journalists shows that freedom of the press is nothing but non-existent.

1 I. Delgado Culebras, "Islamic State Recedes but threats to journalists in Iraq and Syria remain", https://cpj.org/blog/2017/12/islamic-state-recedes-but-threats-to-journalists-i.php.

2 Ibid.

Recommendations

We, NGOs signatories to this statement recommend:

- Relevant UN bodies to open an independent investigation into the allegations that the Iraqi government and its forces have abused the right to freedom of expression and opinion, and the right to freedom of assembly.
- The international community to undertake all measures to ensure that Iraq protects and guarantees the right of individuals to demonstrate peacefully, and stops the targeting of human rights defenders, journalists, and peaceful activists.
- The international community to establish an international independent commission of inquiry to investigate all grave human rights abuses committed by the Iraqi government since 2003.
- Urge the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to make a country visit to Iraq;
- The UN Human Rights Council to appoint a Special Rapporteur for the human rights situation in Iraq.

**Geneva International Centre for Justice (GICJ), Just Atonement Inc., The Arab Lawyers Association-UK, Human Rights Defenders (HRD), The Brussells Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, The International League of Iraqi Academics (ILIA), Iraq Solidarity Association in Stockholm), NGOs without consultative status, also share the views expressed in this statement.